

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.30930 of 2008

1. MUNARI DEVI @ MUNAR DEVI
2. Sunita Devi

Versus

STATE OF BIHAR

- - - -

3. 12.8.2008

Heard.

The Court is not inclined to reconsider its earlier order passed in Cr. Misc. No.1512 of 2008 as regards the prayer for bail of petitioners Munari Devi alias Munar Devi and Sunita Devi, the own wife of the younger brother of the husband simply for the reason that even if it is accepted that it could not be a case under Section 304(B) of the Indian Penal Code, as was contended by learned Senior counsel appearing for the petitioners, the Court could legitimately hold the opinion that it may be a case under Section 302 of the Indian Penal Code.

However, as regards the status of the two petitioners named above, the prayer has been that they are ladies and their case could be considered from that angle. I believe that that could be a matter for consideration of the courts below including the Chief Judicial Magistrate or the Sessions Judge,

Vaishali at Hajipur as and when they surrender and pray for regular bail. I could recommend the courts below that the status of the above named two petitioners is recognized by the provision of Section 437 of the Code of Criminal Procedure and that status may be considered by them, if the petitioners appear and pray for regular bail, without any prejudice towards the fact that their prayer for anticipatory bail has been dismissed by this Court. The further contention that the informant has filed a petition in the court below indicating that the case could not be true, could be additional circumstance for consideration of the court below.

With the above observations, this petition is dismissed.

Kanth

(Dharnidhar Jha, J.)